

## SENATE BILL No. 399

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 13-11-2; IC 13-21-15.

**Synopsis:** Solid waste collection fees. Requires the environmental rules board to adopt rules requiring each county, city, or town that collects solid waste for disposal to charge households for solid waste collection service on a "pay as you throw basis" under which the fee is higher for a larger quantity of solid waste than for a smaller quantity of solid waste. Provides that the fees may be set according to the number of solid waste containers used by a household or the weight of the solid waste collected from the household. Requires that the rules take effect on July 1, 2015.

**Effective:** July 1, 2014.

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January 14, 2014, read first time and referred to Committee on Environmental Affairs.

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Second Regular Session 118th General Assembly (2014)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2013 Regular Session and 2013 First Regular Technical Session of the General Assembly.

## SENATE BILL No. 399

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 13-11-2-103.9, AS ADDED BY P.L.178-2009,  
2 SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2014]: Sec. 103.9. **(a)** "Household", for purposes of section  
4 47.7 of this chapter and IC 13-20.5, means the occupants of a dwelling  
5 located in Indiana who use a video display device at the dwelling  
6 primarily for personal use or home office use.

7 **(b)** "Household", for purposes of IC 13-21-15, has the meaning  
8 set forth in IC 13-21-15-1.

9 SECTION 2. IC 13-11-2-154.8 IS ADDED TO THE INDIANA  
10 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2014]: **Sec. 154.8. "Pay as you throw basis",**  
12 **for purposes of IC 13-21-15, has the meaning set forth in**  
13 **IC 13-21-15-2.**

14 SECTION 3. IC 13-11-2-205.5 IS ADDED TO THE INDIANA  
15 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
16 [EFFECTIVE JULY 1, 2014]: **Sec. 205.5. "Solid waste collecting**



1 **unit", for purposes of IC 13-21-15, has the meaning set forth in**  
 2 **IC 13-21-15-3.**

3 SECTION 4. IC 13-11-2-206, AS AMENDED BY P.L.154-2005,  
 4 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 5 JULY 1, 2014]: Sec. 206. "Solid waste disposal facility", for purposes  
 6 of IC 13-19-3-8.2, IC 13-19-4, IC 13-20-4, ~~and~~ IC 13-20-6, **and**  
 7 **IC 13-21-15**, means a facility at which solid waste is:

- 8 (1) deposited on or beneath the surface of the ground as an  
 9 intended place of final location; or  
 10 (2) incinerated.

11 SECTION 5. IC 13-11-2-212, AS AMENDED BY P.L.154-2005,  
 12 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 13 JULY 1, 2014]: Sec. 212. (a) "Solid waste processing facility", for  
 14 purposes of IC 13-19-3-8.2, IC 13-19-4, IC 13-20-1, IC 13-20-4, ~~and~~  
 15 IC 13-20-6, **and IC 13-21-15**, means a facility at which at least one (1)  
 16 of the following is located:

- 17 (1) A solid waste incinerator.  
 18 (2) A transfer station.  
 19 (3) A solid waste baler.  
 20 (4) A solid waste shredder.  
 21 (5) A resource recovery system.  
 22 (6) A composting facility.  
 23 (7) A garbage grinding system.  
 24 (8) A medical or an infectious waste treatment facility.  
 25 (9) A solid waste solidification facility that is not located on an  
 26 operating, permitted landfill.  
 27 (10) A facility that uses plasma arc or another source of heat to  
 28 treat solid waste.

29 (b) The term does not include a facility or operation that generates  
 30 solid waste.

31 SECTION 6. IC 13-11-2-242 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2014]: Sec. 242. "Unit", for  
 33 purposes of:

- 34 (1) section 148(c) of this chapter;  
 35 (2) IC 13-20-17.5;  
 36 (3) IC 13-20-20; ~~and~~  
 37 **(4) IC 13-21-15; and**  
 38 ~~(4)~~ **(5) IC 13-23;**

39 has the meaning set forth in IC 36-1-2-23.

40 SECTION 7. IC 13-21-15 IS ADDED TO THE INDIANA CODE  
 41 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2014]:



**Chapter 15. Pay As You Throw Requirements**

**Sec. 1. As used in this chapter, "household" means the occupants of a dwelling located in Indiana.**

**Sec. 2. For purposes of this chapter, the fee imposed on a household for solid waste collection service is imposed on a "pay as you throw basis" if the amount of the fee for the collection of a quantity of solid waste is higher for a larger quantity of solid waste than for a smaller quantity of solid waste.**

**Sec. 3. As used in this chapter, "solid waste collecting unit" means a unit that:**

**(1) collects; or**

**(2) contracts with another entity for the collection of; solid waste from households located within the boundaries of the unit for delivery to a solid waste disposal facility or solid waste processing facility.**

**Sec. 4. (a) The environmental rules board shall adopt rules under IC 4-22-2 and IC 13-14-9 that require every solid waste collecting unit to charge households for solid waste collection service on a pay as you throw basis.**

**(b) The rules adopted under this section may allow a solid waste collecting unit to decide whether to satisfy the requirement by imposing fees for solid waste collection service:**

**(1) on the basis of the number of containers used by a household to dispose of solid waste; or**

**(2) on the basis of the weight of the solid waste disposed of by the household.**

**(c) The rules adopted under this section must take effect on July 1, 2015.**

